

Superfund Program Implementation Manual FY08/09

Appendix H: Community Involvement

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Appendix H Community Involvement

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APPENDIX H COMMUNITY INVOLVEMENT

H.A. FY08/09 TARGETS AND MEASURES

H.A.1. OVERVIEW OF FY08/09 COMMUNITY INVOLVEMENT TARGETS/MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA OSWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor the progress each Region is making towards achieving the GPRA targets and annual performance goals. Actual GPRA objectives do not include any community involvement activities.

The following pages contain the definitions of the FY08/09 community involvement activities: Community Advisory Group Program, Restoration Advisory Board Program, Site Specific Advisory Board Program, Technical Assistance Grant Program, and Technical Outreach Services for Communities.

a. COMMUNITY ADVISORY GROUPS (CAGs)/RESTORATION ADVISORY BOARDS (RABs)/SITE-SPECIFIC ADVISORY BOARDS (SSABs)

Definition:

A Community Advisory Group (CAG) is an organized group of local stakeholders representing the diversity of community interests for a particular Superfund site. CAGs serve as a point for exchanging information among local community and EPA, the state regulatory agency, and other agencies involved in Superfund cleanups. CAGs also provide a forum for community members to present and discuss their needs and concerns related to the Superfund decision-making process. CAGs may receive help from EPA, state, tribal and local governments, and universities in areas such as meeting facilitation, technical assistance, and administrative support.

Site-Specific Advisory Boards (SSABs) are a forum for experts and concerned stakeholders to provide advice and recommendations on Department of Energy's (DOE) Environmental Management strategic decisions. Restoration Advisory Boards (RABs) provide a forum through which members of nearby communities can provide input to Department of Defense's (DoD) environmental restoration program.

RABs and SSABs complement other community involvement activities, such as public meetings, mailings, and local information repositories.

Definition of Accomplishment:

CAG Established Date: The establishment of the Community Advisory Group is defined as the date (Actual Start) of the first meaningful (not interest finding) Community Advisory Group Meeting (Action Name = Community Advisory Group).

CAG Closeout Date: Date CAG (Action Name = Community Advisory Group) is completed/closed out (Actual Complete) by EPA and the CAG.

RAB/SSAB Start (Established) Date: The actual start of the RAB/SSAB is defined as the actual start date (Actual Start) of the initial RAB/SSAB information meeting (SubAction Name = Site-Specific Advisory Board Meeting or SubAction Name = Restoration Advisory Board Meeting).

RAB Completion (Adjourned) Date: The actual completion (Actual Complete) date of the >Restoration Advisory Board= (SubAction Name = Restoration Advisory Board) is the date the RAB is adjourned by DoD.

SSAB Completion (Terminated) Date: The actual completion (Actual Complete) date of the >Site-Specific Advisory Board= (SubAction Name = Site-Specific Advisory Board) is the date the SSAB is terminated by the Secretary of Energy.

Changes in Definition FY06/07 - FY08/09:

None.

Special Planning/Reporting Requirements:

None

b. TECHNICAL ASSISTANCE GRANTS (TAGs)

Definition:

The Superfund Amendments and Reauthorization Act of 1986 (SARA) established the TAG program to provide technical assistance to eligible communities. This technical assistance allows communities to improve the decision making process at their sites.

Definition of Accomplishment:

The start of the TAG (Action Name = Technical Assistance Grant) is the date the award document is signed by the regional award official. There can only be one active TAG at a site. For Superfund programmatic purposes, the completion of the TAG is the ending date of the budget and project period as documented in the award document; as documented in the one year extension document; as documented in a time period extension document; or as documented in other documents, such as a memo to the file prepared by the TAG coordinator to document these decisions. The planned or actual completion date in CERCLIS (whichever is applicable) must be changed to reflect the date of the most recent source document, e.g., award document, one-year extension document, memo to the file, etc. These definitions may be applied to all historical CERCLIS data, including data prior to FY 89, which is the first fiscal year TAG appeared in the SPIM. In addition, the TAG completion definitions from previous years may also be used for TAGs completed within those years.

Changes in Definition FY06/07 - FY08/09:

None.

Special Planning/Reporting Requirements:

TAG is a program measure. Planned start and completion dates are required in CERCLIS. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for TAGs at Federal facility sites are contained in the Federal facility budget and found in the Federal facility AOA.

If more than one active TAG exists at a site, only the TAG with the earliest actual start date with no completion date at the site will be counted.

c. TECHNICAL ASSISTANCE SERVICES FOR COMMUNITIES (TASC)

Definition:

Technical Assistance Services for Communities (TASC) was developed to provide communities that live near hazardous waste sites with independent technical assistance to help them understand the technical issues related to hazardous substance contamination and cleanup so that they can substantively participate in the decision-making process. TASC will be funded by an EPA contract that will be awarded in April 2007.

Definition of Accomplishment:

The start of the TASC is the date when a work assignment or task order has been issued by the project officer. The date the work assignment or task order was issued should be reported in CERCLIS as the actual start date (Actual Start) of the TASC (Action Name = Technical Assistance Services for Communities).

Changes in Definition FY06/07 - FY08/09:

The TOSC program is obsolete as of April 2007 and has been replaced by TASC. If more information is needed regarding the definition of TOSC please refer to the FY 06/07 SPIM.

Special Planning/Reporting Requirements:

The Region must indicate on the Community Organizations Information screen that the organization is a TASC recipient.

H.B. CIOB DATA SPONSOR RESPONSIBILITIES**H.B.1 NATIONAL PROGRAM REQUIREMENTS AND THE DATA SPONSOR ROLE**

The following statutory, policy, and management requirements establish the mandate for meeting the program requirements described in the rest of this Appendix. A description of program goals and objectives, statutory mandates, regulatory and policy requirements, as well as subsequent program reforms and redirection in measuring program results are included in this section.

Program Goals and Objectives

The goal of Superfund's community involvement program is to encourage communications with affected citizens and participation in decision-making. Community involvement is not a phase in Superfund, like a removal or remedial cleanup action, but rather it is an integral part of the entire process that benefits both the public and EPA. The program has three main objectives:

- Giving the public opportunities to comment on and provide input into technical decisions that affect their lives;
- Informing the public of planned or ongoing activities and keeping them apprised of the nature of the environmental problem, the threats it may pose, the responses under consideration, and the progress that is being made; and
- Focusing and resolving conflict (conflict may be unavoidable in some circumstances, but it can be constructive if it brings into the open alternative viewpoints).

Statutory Mandates

Sections 113, 117, and 122 of CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA), established seven principle requirements for community involvement:

- Developing a locally available administrative record;
- Establishing a locally available information repository;
- Notifying the public of the release of the Remedial Investigation/Feasibility Study (RI/FS) and Proposed Plan, and in the case of removal actions with a planning period of at least six months, the engineering evaluation/cost analysis (EE/CA);
- Providing a public comment period on the RI/FS, Proposed Plan, and EE/CA;
- Holding a public meeting on the RI/FS and Proposed Plan and developing a meeting transcript;
- Providing notice and comment period on the Administrative Order on Consent or Consent Decree; and
- Developing a responsiveness summary on comments received on the RI/FS, Proposed Plan and EE/CA.

Regulatory and Policy Requirements

Section 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and subsequent policy directives and guidance documents establish the requirements for community involvement through every phase of Superfund's cleanup process. These requirements are presented Exhibit H.1.

**EXHIBIT H.1
COMMUNITY INVOLVEMENT REQUIREMENTS**

Site Activity	Requirement(s)	Citation (Source)
For All Removal Actions		
Designate an Agency Spokesperson (Community Involvement Coordinator)	The Agency must designate a spokesperson to inform the public about the release and actions taken, to respond to questions, and to notify immediately affected citizens, State and local officials and, when appropriate, civil defense or emergency management agencies.	NCP, Section 300.415(m)(1)
Administrative Record	The Agency must establish an administrative record and make the administrative record available to the public at a central location at or near the site, if applicable.	SARA Section 113(k); NCP Section 300.820
For Removal Actions with Planning Period of Less Than Six Months		
Notice and Availability of Administrative Record	Within 60 days of the start of on-site removal activity, the lead Agency must make the administrative record available to the public and issue a notice of availability in a major local newspaper of general circulation.	NCP Sections 300.415(m)(2)(I) and 300.820(b)(1)
Public Comment Period	The Agency must provide a public comment period, if appropriate, of not less than 30 days from the time the administrative record is made available for public inspection.	NCP Section 300.415(m)(2)(ii)
Response to Significant Comments	The Agency must prepare a written response to significant comments.	NCP Section 300.415(m)(2)(iii)
For Removal Actions Expected to Extend Beyond 120 Days		
Community Interviews	By the end of the 120-day period, the Agency must conduct interviews with local officials, public interest groups, or other interested parties to determine their concerns and information needs, and to learn how citizens would like to be involved in the Superfund process.	CP Section 300.415(m)(3)(I)
Community Involvement Plan (CIP)	The Agency must prepare a CIP, based on community interviews and other relevant information that specifies the community involvement/outreach activities the Agency plans to undertake during the response. The Agency must complete this CIP within 120 days of the start of on-site removal activity.	NCP Section 300.415(m)(3)(ii)

Site Activity	Requirement(s)	Citation (Source)
Information Repository Establishment and Notification/ Notice of Availability of Administrative Record	Within 120 days of the start of on-site removal activity, the Agency must establish at least one information repository at or near the location of removal actions that contains items available for public inspection and copying. The Agency must inform the public of the establishment of the information repository and provide notice of the availability of the administrative record in the repository.	NCP Section 300.415(m)(3)(iii)
For Removal Actions with a Planning Period of at Least Six Months		
Community Interviews and Community Involvement Plan (CIP)	The Agency must follow the same procedures as outlined in the previous section, except that staff must conduct interviews and prepare a CIP prior to completion of the engineering evaluation/cost analysis (EE/CA)	NCP Section 300.415(m)(4)(I)
Information Repository Establishment and Notification/ Notice of Availability of Administrative Record	The Agency must follow the same procedures as outlined in the previous section, except that staff must establish the information repository and make the administrative record available no later than the signing the EE/CA approval memorandum	NCP Section 300.415(m)(4)(I)
For Removal Actions with a Planning Period of at Least Six Months		
Notice of Availability/ Description of EE/CA	The Agency must publish a notice of availability and a brief description of the EE/CA in a major local newspaper of general circulation.	NCP Section 300.415(m)(4)(ii)
Public Comment Period	Upon completion of the EE/CA, the Agency must provide at least 30 days for the submission of written and oral comments. The Agency must extend this comment period at least 15 days upon timely request.	NCP Section 300.415(m)(4)(iii)
Responsiveness Summary	The Agency must prepare a written response to significant comments and make this responsiveness summary available to the public in the information repository.	NCP Section 300.415(m)(iv)
Remedial Responses		
<i>Prior to Remedial Investigation (RI)</i>		
Community Interviews	The Agency must hold on-site discussions with local officials and community members to assess their concerns and determine appropriate community involvement activities.	NCP Section 300.430(c)(2)(I)
Community Involvement Plan (CIP)	The Agency must develop and approve a complete CIP based on community interviews before RI field activities start.	NCP Section 300.430(c)(2)(ii) (A-C)
Information Repository	The Agency must establish an information repository to contain items developed, received, published, or made available pursuant to SARA Section 117. The Agency must make these items available for public inspection and copying and inform interested citizens of the establishment of the information repository.	SARA Section 117(d); NCP Section 300.430(c)(2)(iii)

Site Activity	Requirement(s)	Citation (Source)
Technical Assistance Grant (TAG) Notification	The Agency must inform the public of the availability of TAGs and include in the information repository material that describes the TAG application process.	NCP Section 300.430(c)(2)(iv)
<i>Upon Commencement of Remedial Investigation</i>		
Administrative Record	The Agency must establish an administrative record. The Agency must consider the participation of interested persons when developing the administrative record.	SARA Section 113(k); NCP Section 300.815
Administrative Record Notification	The Agency must publish a notice of availability of the administrative record in a major local newspaper of general circulation.	NCP Section 300.815
<i>Upon Completion of the Feasibility Study (FS) and Proposed Plan</i>		
RI/FS and Proposed Plan Notification and Analysis	The Agency must publish a notice of the availability of the RI/FS and proposed plan, including a brief summary of the proposed plan, in a major local newspaper of general circulation. The notice also must announce a comment period.	SARA Section 117(a); NCP Section 300.430(f)(3)(I)(A)
Public Comment Period on RI/FS and Proposed Plan	The Agency must provide at least 30 days for the submission of written and oral comment on the RI/FS and proposed plan. This comment period will be extended by a minimum of 30 additional days upon timely request.	SARA Section 117(a)(2); NCP Section 300.430(f)(3)(c)
Public Meeting	The Agency must provide an opportunity for a public meeting to be held at or near the site during the comment period.	SARA Sections 113 and 117(a)(2); NCP Section 300.430(f)(3)(I)(E)
Meeting Transcript	The Agency must prepare a meeting transcript and make it available to the public.	SARA Section 122(I); NCP Section 300.430(c)(5)(I)
Responsiveness Summary	The Agency must prepare a response to significant comments, criticisms, and new data submitted on the proposed plan and RI/FS, and ensure that this response document accompanies the ROD.	SARA Sections 113 and 117(b); NCP Section 300.430(f)(3)(I)(F)
<i>Pre-ROD Significant Changes</i>		
Discussion of Significant Changes	Upon determination that such changes could be reasonably anticipated by the public, the Agency must include in the ROD a discussion of significant changes and the reasons for such changes.	NCP Section 300.430(f)(3)(ii)(A)
Revised Proposed Plan and Public Comment	Upon determination that such changes could not have been reasonably anticipated by the public, the Agency must issue a revised proposed plan that includes a discussion of the significant changes and the reasons for such changes. The Agency must seek additional public comment on the revised proposed plan.	NCP Section 300.430(f)(3)(ii)(B)

Site Activity	Requirement(s)	Citation (Source)
After the ROD is Signed		
ROD Availability and Notification	The Agency must make the ROD available for public inspection and copying at or near the site prior to the commencement of any remedial action. Also, the Agency must publish a notice of the ROD's availability in a major local newspaper of general circulation. The notice must state the basis and purpose of the selected action.	NCP Section 300.430(f)(6)
Revision of the CIP Site Activity	Prior to the remedial design, the Agency should revise the CIP, if necessary, to reflect community concern, as discovered during interviews and other activities, that pertains to the remedial design and construction phase.	NCP Section 300.435(c)(1)
Post-ROD Significant Changes		
<i>Differs significantly from remedy in terms of scope, performance, or costs:</i>		
Notice and Availability of Explanation of Significant Differences	The Agency must publish a notice that briefly summarizes the explanation of significant differences and the reasons for such differences in a major local newspaper, and make the explanation of significant differences and supporting information available to the public in the administrative record and information repository.	NCP Section 300.435(c)(2)(I)(A) and (B)
<i>Fundamentally alters the basic features of the selected remedy with respect to scope, performance, or cost;</i>		
Notice of Availability/Brief Description of Proposed ROD Amendment	The Agency must propose an amendment to the ROD and issue a notice of availability and a brief description of the proposed amendment in a major local newspaper of general circulation.	NCP Section 300.435(c)(2)(ii)(A)
Public Comment Period, Public Meeting, Meeting Transcript, and Responsiveness Summary	The Agency must follow the same procedures as that required for completion of the FS and proposed plan.	NCP Section 300.435(c)(2)(ii)(B)-(F)
Notice and Availability of Amended ROD	The Agency must publish a notice of availability of the amended ROD in a major local newspaper and make the amended ROD and supporting information available for public inspection and copying in the administrative record and information repository prior to commencement of the remedial action affected by the amendment.	NCP Section 300.435(c)(2)(ii)(G) and (H)
Remedial Design (RD)		
Fact Sheet and Public Briefing	Upon completion of the final engineering design, the Agency must issue a fact sheet and provide a public briefing, as appropriate, prior to beginning remedial action.	NCP Section 300.435(c)(3)

Site Activity	Requirement(s)	Citation (Source)
NPL Additions		
Publication of Proposed Rule and Public Comment Period	EPA must publish the proposed rule in the <i>Federal Register</i> and seek comments through a public comment period.	NCP Section 300.425(d)(5)(I)
Publication of Final Rule and Response to Comments	EPA must publish the final rule in the <i>Federal Register</i> and respond to significant comments and significant new data submitted during the public comment period.	NCP Section 300.425(d)(5)(ii)
NPL Deletions		
Public Notice and Public Comment Period	EPA is required to publish a notice of intent to delete in the <i>Federal Register</i> and provide notice of the availability of this announcement in a major local newspaper. EPA must also provide a comment period of at least 30 days on the proposed deletion.	NCP Section 300.425(e)(4)(I) and (ii)
Public Access to Information	Copies of information supporting the proposed deletion must be placed in the information repository for public inspection and copying.	NCP Section 300.425(e)(4)(iii)
Response to Significant Comments	EPA must respond to each significant comment and any significant new data submitted during the comment period and include these responses in the final deletion package.	NCP Section 300.425(e)(4)(iv)
Availability of Final Deletion Package	The final deletion package must be placed in the local information repository once the notice of final deletion has been published in the <i>Federal Register</i> .	NCP Section 300.425(e)(5)

Superfund Reforms

Since 1993, EPA has launched three rounds of reforms to address criticisms raised by affected parties and to improve the pace, cost and public participation aspects of the program. Each set of reforms consists of various initiatives and pilots focusing on changes to the program that can be implemented within the existing statutory framework. The following are reforms related to the Community Involvement area: Community Advisory Groups; Technical Assistant Grants (TAGs), Community Involvement in the Enforcement Process Pilots, Pilot Remedy Selection by Selected States and Tribes, Pilot Community Based Remedy Selection, Superfund Ombudsman in Every Region, and Improve Communication with Superfund Stakeholders.

Reauthorization, Congressional Inquiries, and Audits

CERCLIS is the primary data source to support Reauthorization and Congressional inquiries, as well as questions from the Inspector General (IG), and General Accounting Office (GAO). An example of inquiries specific to the Community Involvement program area is the number of Technical Assistance Grants provided.

H.B.2 CIOB HEADQUARTERS AND REGIONAL ORGANIZATION

To meet these national program requirements, specific roles and responsibilities have been identified for the Headquarters= and Regional staff that work in the Community Involvement program area. The table below summarizes each of these positions along with their responsibilities.

EXHIBIT H.2
CIOB HQ AND REGIONAL ROLES AND RESPONSIBILITIES

Title	Responsibilities
Community Involvement and Outreach Branch (CIOB) (HQ)	Facilitate CERCLIS staying closely aligned with the Superfund program, including developing and updating guidance that requires submission of these data for national reporting needs, maintaining and updating data element definitions, and developing and implementing the process of gathering, reviewing and entering the data into CERCLIS.
Director, CIOB (HQ)	Provide a synergy to create useful program policy and guidance to help the Regions achieve program goals. Act as the central point of contact for the Regions and is responsible for providing Regional coordination support.
CIOB Staff (HQ) and Community Involvement Managers (CIMs) (Regions)	Participate in program reviews, as well as prepare periodic reports on Regional accomplishments, progress on problems, and respond to quick turn-around, site specific requests for information from senior management for Congressional requests, Regional visits or other needs. Serves as a forum for sharing information, lessons learned and issues on community involvement activities.
CIMs, Remedial Project Managers (RPMs) and On Site Coordinators (OSCs) (Regions)	Ensure all data necessary to meet the requirements(s) are in CERCLIS to support their Regional reporting needs and commitments to Headquarters.
Community Involvement Coordinators (CICs) (Regions)	As the data owner, provide current, complete, and consistent data into CERCLIS that are necessary to met real-time reporting requirements and review data that are provided in hard copy or electronically submitted.
Information Management Coordinator (IMC) (Regions)	Coordinate with the CICs to ensure all data necessary to support reporting requirements are in CERCLIS on a real-time basis.
Budget Coordinator (Regions)	Ensure all data necessary to support the Regional budget are in CERCLIS prior to specified calendar events.

H.B.3 PROGRAM MONITORING AND REPORTING

Each reporting and associated data acquisition requirement specific to Community Involvement is discussed below.

The detail includes: data quality objectives, data needs, as well as reports and associated coding guidance.

Data Quality

One of the goals of the Community Involvement data sponsor is to ensure data quality which requires data to be correctly entered into CERCLIS. Although the methodology of acquiring and reviewing data may change over time, both will contain a quality assurance (QA) process to ensure data quality.

Current, complete, and consistent data in CERCLIS will meet the Community Involvement data sponsor goals and objectives, as well as support real-time reporting. The following defines what the Community Involvement data sponsor views as current, complete, and consistent data:

- Current - Data need to be entered as actions occur.
- Complete - For the particular data element, all needed information is provided.

- Consistent - Data should be consistent nationally. Also, within CERCLIS, data should be entered consistent with the data element definitions. The data entered should be entered using the same standard across all Regions/HQ.

Management Reports

SCAP-04 (TAGs)

CERCLIS provides the data necessary to support ad hoc requests as they relate to Reauthorization, GAO, and IG.

Coding Guide

The coding guidance for SCAP measures will be reflected in the Coding Guide.

Modifications (since last update)

Send all proposed changes to the appropriate data sponsor for review and approval and copy the Regional IMC. After the review of the proposed changes is completed, the data sponsor will send the changes to Robert White for review by Headquarters and Regional principals including Subject Matter Experts, Data Sponsors, and Senior Process Managers, if applicable. The preferred method is to mark-up a photo-copy of text you seek to change. The SPIM is a numbered EPA publication in loose leaf 3-ring binder format so that changes can be incorporated accordingly.

H.C SUBJECT MATTER EXPERTS

The following exhibit identifies the subject matter experts for Appendix H, Community Involvement.

EXHIBIT H.3 Subject Matter Experts

Subject Matter Expert	Subject Area	Phone #	Email
Jim Byrne	Community Involvement	(703) 603-9006	byrne.jim@epa.gov
Trina Martynowicz	Federal Facilities/ SSABs/RABs	(703) 603-0720	martynowicz.trina@epa.gov
Freya Margand	TAGs/CAGs	(703) 603-8889	margand.freya@epa.gov
Robert White	SPIM Coordinator	(703) 603-8873	white.robert@epa.gov